

IN RE:

JOSE MANUEL ROSARIO MARRERO

CASE NO. 13-09001-BKT

CHAPTER 13

DEBTOR(S)

**TRUSTEE'S REPORT ON CONFIRMATION**

1. A meeting of creditors pursuant to Section 341 was held on **December 04, 2013**. The meeting was (was not) duly attended by debtor(s) and their attorney.
2. The liquidation value of the estate is: To be determined.
3. With respect to the attached payment plan:

AMENDED PLAN DATE: December 03, 2013

PLAN BASE: \$17,685.00

TRUSTEE'S COMMENTS AND RECOMENDATIONS DATED: 12/26/2013☐

FAVORABLE

☒

UNFAVORABLE

**1. [X] FEASIBILITY 11 USC § 1325(a)(6):**

1) \$280.00 in arrears under proposed plan; Debtor has failed to commence plan payments. 2) Debtor has failed to provide evidence of DSO post-petition payments as required by 1325 (a)(8). 3) Debtor lives with two minors of 6 and 8 years old, Schedule "J" does not list any school expenses. 4) Plan provides payment of \$295.00 commencing on December 2013, however, disposable income at Schedule "J" is \$280.00.

**2. [X] INSUFFICIENTLY FUNDED § 1325(b):**

To pay priorities (IRS)

**3. [ ] UNFAIR DISCRIMINATION § 1322(b):****4. [X] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):**

Schedule "B" does not disclose a Truck. Liquidation value cannot be determined until the mentioned truck is listed in Schedules.

**5. [X] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):**

Debtor to justify why he include in Schedule "J" an expense for IRS of \$150.00; while Schedule "I" has a payroll deduction for social security.

**6. [ ] DOES NOT PROVIDE FOR SECURED CREDITOR § 1325(a)(5):****7. [X] OTHER:**

1) Evidence of filing for 2009 and 2010 state tax returns has not been provided. 2) Debtor has failed to provide DSO recipient information. 3) Employer's information and debtor's occupation are not listed in Schedule "I". 4) Provide maturity date of loan with Oriental Bank.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

Atty Fee:\$3,000.00 /\$400.00/\$2,600.00

Atty: JUAN O CALDERON

/s/ Andrew Jimenez

Andrew Jimenez

USDC #226510

**ALEJANDRO OLIVERAS RIVERA**

Chapter 13 Trustee

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CMC - WG